

REMARKS

Claim 20 is canceled without prejudice, and therefore claims 10 to 19, 21 and 22 are pending in the present application.

In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for indicating that claims 20 to 22 contain allowable subject matter. While the objections may not be agreed with, to facilitate matters, the features of claim 20 have been included in claim 10, and claim 20 has been canceled without prejudice. Also, claim 21 now depends from claim 10. Claim 22 has been rewritten to include the features of original claim 10, and claims 11 to 15 now depend from allowable claim 22. Accordingly, claims 10 to 19, 21 and 22 are allowable. It is therefore respectfully requested that the objections be withdrawn.

As to paragraph three (3) of the Office Action, claims 10 and 13 to 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Asakawa, Japanese Patent No. 02-084119.

As to paragraph five (5) of the Office Action, claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as unpatentable over the Asakawa reference.

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of

obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, the features of claim 20 have been included in claim 10, and claim 20 has been canceled without prejudice. Also, claim 21 now depends from claim 10. Claim 22 has been rewritten to include the features of original claim 10, and claims 11 to 15 now depend from allowable claim 22. Accordingly, claims 10 to 19, 21 and 22 are allowable. It is therefore respectfully requested that the rejections be withdrawn.

In sum, it is respectfully submitted that claims 10 to 19, 21 and 22 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the presently pending claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Since all issues raised by the Examiner have been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,
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